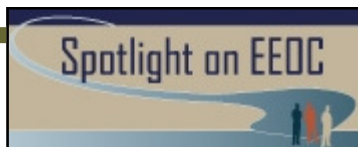




July 31, 2009

Volume 1, Issue 6



## **CHATEAU DEL MAR / HICKORY HILLS COUNTRY CLUB TO PAY UP TO \$690,000 TO SETTLE EEOC SEX AND RACE DISCRIMINATION AND RETALIATION LAWSUITS**

*Popular Banquet Facility and Country Club Routinely Harassed Female Employees, Refused to Hire Blacks and Sued Victims as Retaliation, Federal Agency Charged*

<http://www.eeoc.gov/press/6-22-09a.html>

## **WILLAMETTE TREE WHOLESALE SUED BY EEOC FOR SEVERE SEXUAL HARASSMENT, RETALIATION**

*Latina Workers at Oregon Nursery Sexually Harassed, Threatened, and One Woman Repeatedly Raped, Federal Agency Charges*

<http://www.eeoc.gov/press/6-18-09a.html>

## **SIMULA TO PAY \$110,000 TO SETTLE EEOC GENDER, EQUAL PAY AND RETALIATION CASE**

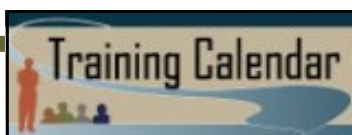
*Settlement With Military Contractor Provides Compensation and Training*

<http://www.eeoc.gov/press/6-17-09a.html>

## **RYAN'S FAMILY STEAKHOUSE PAYS \$500,000 FOR RACE BIAS, SEX DISCRIMINATION AND RETALIATION**

*EEOC Said Restaurant Created Hostile Workplace for Black and Female Employees*

<http://www.eeoc.gov/press/6-15-09b.html>



To register contact: Arthur Lucas at [ArthurB.Lucas@ky.gov](mailto:ArthurB.Lucas@ky.gov)

Date	Audience	Title	(GSC) Room	Time
08/12/09	State Employees	Sexual Harassment	542	9am— 12 pm
09/16/09	State Employees	Religious Discrimination	542	9am— 12 pm
10/14/09	State Employees	Anti-Harassment	539	9am— 12 pm
11/18/09	State Employee	Sexual Harassment	539	9am— 12 pm



*COMMISSION VOTES TO REVISE RULES TO CONFORM TO  
ADA AMENDMENTS ACT*

**New Regulations Would Make it Easier for People to Establish  
Disability Under ADA**

WASHINGTON – The U.S. Equal Employment Opportunity Commission (EEOC) voted today to revise its regulations to conform to changes made by the ADA Amendments Act (ADAAA) of 2008, which would make it easier for an individual seeking protection under the ADA to establish that he or she has a disability.

The Commission voted 2-1 to adopt the rules changes, at a public meeting this morning at the agency's Washington headquarters. The five-member body has two vacancies.

The rules changes approved today represent an initial stage in the regulatory process and must next go to the Office of Management and Budget for review, and to federal agencies pursuant to Executive Order 12067, without public comment.

"In approving these proposed regulations, the EEOC today is taking a significant step toward returning the ADA to the broad and strong civil rights statute that Congress originally intended it to be," said EEOC Acting Chairman Stuart J. Ishimaru. "The proposed regulations will permit individuals with disabilities to participate to the fullest extent possible in the American workplace."

Acting EEOC Vice Chair Christine M. Griffin said, "Today's vote is historic. These regulations will serve to shift the focus of the courts from further narrowing the definition of disability and putting it back to where Congress intended when the ADA was enacted in 1990. Courts should now focus on whether discrimination based on disability is occurring in the workplace. The protections afforded by the ADA AA and these new regulations are important for all workers including our returning wounded warriors who certainly deserve the right to re-enter a workforce free of discrimination."

The Americans with Disabilities Act (ADA), an antidiscrimination statute, was signed into law in July 1990. The EEOC is responsible for enforcing Title I of the ADA, which prohibits employment discrimination against individuals with disabilities. The statute requires employers to make reasonable accommodations to employees and job applicants with disabilities—defined as people with mental or physical impairments that substantially limit a major life activity, persons with a record of a disability, or who, while not actually disabled, are regarded as disabled.

The ADA Amendments Act, which went into effect Jan. 1, 2009, makes important changes to the definition of the term "disability" by rejecting the holdings in several Supreme Court decisions and portions of EEOC's prior ADA regulations. The effect of these changes is to make it easier for an individual seeking protection under the ADA to establish that he or she has a disability as defined by the ADA. The ADAAA emphasizes that the definition of disability should be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of the ADA and generally shall not require extensive analysis.

The ADAAA also states that Congress expects the EEOC to revise its regulations to conform to changes made by Act, and expressly authorizes the EEOC to do so.

The EEOC is responsible for enforcing federal laws prohibiting employment discrimination. Further information about the EEOC is available on its web site at [www.eeoc.gov](http://www.eeoc.gov).



- GSC's contract with KYVC expired June 30. Due to budget constraints and changes to the KYVC company infrastructure it has been decided not to renew the contract with KYVC for the 2009-10 fiscal year. GSC is in the process of converting the Anti-harassment on-line course to a KyTrain module. Once the module has been converted, reviewed, approved and beta tested it will be available for enrollment. Anticipated completion is mid August. If you have any questions please feel free contact Arthur Lucas (ArthurB.Lucas@ky.gov).

- A new Department of Human Resources Administration (DHRA) has been created in the Personnel Cabinet, as of July 16. The following changes in personnel may be of interest to you:

- Sissy Meredith, Commissioner, DHRA
- Michelé Lawlis, Deputy Commissioner, DHRA
- Arthur Lucas, Acting Executive Director, ODE
- Wes Swarner, Acting Executive Director, GSC
- Karen Mixon, Assistant Director, Career Opportunities (COS)
- Linda Brown, Recruitment Branch Manager, COS
- Joyce Schrenger, Executive Secretary, DHRA & ODE



The Office of Diversity & Equality wishes to thank all of the volunteers, presenters and participants for their help in making the 23rd Annual Governor's Diversity Day a great success!!

***Congratulations to the recipients of the  
2009 Anderson Laureate and ICE Awards !***

**Anderson Laureate Award**

**John J. Johnson**

Executive Director

Kentucky Commission on Human Rights

**ICE Award**

**Yvette Smith**

Executive Director

Equal Employment Opportunity & Contract Compliance  
Finance & Administration Cabinet



*The article below was written by Terry Howard, a free-lance writer, strategist and national speaker on inclusion. It was written for Martin Luther King, Jr. Day, but his message is applicable at any time of year.*

### **“Why I Sit Behind the Table”**

*by Terry Howard*

I’ve said all along that when I grow up I want to “*write like Leonard*” - Leonard Pitts that is, Pulitzer Prize winning columnist with the Miami Herald. In a 2006 December column, “*Not just a black thing*,” he said this:

“I know that some folks are touchy about anything seeming to equate the black civil rights movement with the gay one. And no, gay people were not kidnapped from Gay Land and sold into slavery, nor lynched by the thousands. On the other hand, they do know something about discrimination, they do know murder for the sin of existence, they do know the denial of civil rights.....It seems to me that if I abhor intolerance, discrimination and hatred when they affect people who look like me, I must also abhor them when they affect people who do not.”

Now while you’re scratching your head, nodding in agreement - or fuming - over Pitt’s point, here’s something else for you to chew on. Back to Pitts further down. Are you familiar with concept of diversity “fairs,” or “cultural celebrations?” Well the fact is that they’ve become commonplace in many organizations these days and usually take the form of tables, or booths, where “affinity groups” of women, Latinos, Asians, etc., display banners, literature, ornaments, various cultural artifacts, share ethnic food and play music. Actually they’re pretty nice and attract lots of attention and lively participation.

I remember the very first one I attended years ago. Tables for each group were set up across the room horseshoe style. At the very end was one for the Gay and Lesbian group and mounted on the wall behind theirs was a large, colorful banner with the group’s name and logo. Before long people started pouring in, hundreds of them, and soon there were clusters around all of the tables...*except one!* Yep, you probably guessed it!

I watched in amazement at how so many purposely steered clear of the “gay table” and, with amusement, how those who did stumble upon it slithered away quickly once they realized what “this one” was all about. Realizing that the room setup contributed to the alienation, I encouraged the meeting planners to mainstream the gay and lesbian table the next time around. They quickly agreed.

The next year I, a straight guy, decided to sit behind the “gay table” - logo-bearing tee shirt and all - to gauge reactions; responses that ranged from nonchalance, to whispers, to looks of clear surprise. Interestingly, two people I knew stopped speaking to me afterwards and another sent me reading material drumbeating the sins of homosexuality.

Now I say all that to say this: it seems to me that what’s missing in our willingness to build alliances and have rational conversations about sexual orientation is a framework, some parameters for honest dialogue. Well, I think I just may have an answer.

Although not perfect, my approach has been to use the “4P” model for holding uneasy conversations about gay issues in the workplace. It’s anchored in the premise that this is really a matter of presence, policy, productivity and profitability. Here’s how to use it.

*(Continued on Page 5)*

First, stress that this is about **PRESENCE**; meaning that today's workplace has talented people from all backgrounds, including different sexual orientations. Plus, research suggests that anywhere from 2 to 10% of the overall population is, in fact, gay, lesbian or bi sexual and similar percentages apply to the workplace.

Second, align the issue with **POLICY**; meaning that organizations have policies that promote inclusion, respectful treatment and prohibits harassment and discrimination in any form!

Third, emphasize that **PRODUCTIVITY** is what's at stake here; meaning that it is in the organization's best business interest to have everyone working at their best, operating on full throttle, fully engaged and optimally productive.

Fourth, drive home the **PROFITABILITY** argument; meaning that when diverse talent is allowed to exist and produce at their best, the organization's profitability is greatly enhanced. And further, when diverse talent feels that their environment is safe and supportive, they're more likely to encourage people from their group to work for and buy products from that company.

Now despite how well you use this model, there will, nevertheless, be people out there who won't budge an inch on their strong "anti" feelings about this issue. At best all you can do is to stress that their beliefs are theirs alone, but such beliefs will not be allowed to translate into inappropriate or discriminatory **behaviors**, period! You then move on.

My hope is that I've been able to add another dimension to Pitt's perspective. Let's circle back to him now and add on an interesting fact that should solidify his case for solidarity; gay folks were very active in the civil rights movement for African-Americans in this country from day one. Case in point; one of the most prominent was Bayard Rustin, one of Dr. Martin Luther King's chief lieutenants and movement strategists. And James Baldwin's powerful book, "The Fire Next Time," put a powerful literary stamp on the movement. And there were others, many others.

As someone once wrote "*no one has a monopoly on pain and suffering.*" I can't think of a better way to end this treatise on this day, January 15, 2007, the day we celebrate the birthday of Dr. King who said it best, "*Injustice anywhere is a threat to justice everywhere.*"

So thanks Mr. Pitts for the wake up call. And thanks Dr. King, Mr. Rustin, Mr. Baldwin and so many others. And thanks to my gay English teacher who saw the potential in yours truly and pushed him begrudgingly to one day, "*write like Leonard.*"



## Quotes



“If we cannot now end our differences, at least we can help make the world safe for diversity.”

John F. Kennedy (35<sup>th</sup> President, 1917 – 1963)

## A Word From Your State EEO Coordinator

As an EEO/ADA Coordinator representing your particular agency, cabinet, and the Commonwealth of Kentucky, I challenge each you to think about and ask yourself “What am I doing to make a difference in the area of diversity?”

- Do you have any internal biases or perceptions that impact the work environment?
- Are you carrying and conducting yourself in a professional manner?
- Can employees within your work environment come and speak with you about diversity related issues?
- Do employees feel comfortable coming to you?
- Do you know what things others should never say think or do toward a work group?
- Are you a role model for others?

## Contact Information

Arthur Lucas  
Acting Executive Director  
Office of Diversity and Equality  
501 High Street, 3rd Floor  
Frankfort, KY 40601  
502-564-8000  
ArthurB.Lucas@ky.gov